

February 18, 2009



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 14787

EXPIRATION DATE: December 31, 2010

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Flexcon Industries
Randolph, MA
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of certain non-DOT specification fully wrapped fiber-reinforced plastic composite cylinders containing compressed air under the exception provided for water pump system tanks in § 173.306(g). This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the transportation in commerce.
 - c. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.302a and 173.306(g) in that fully wrapped fiber-reinforced composite cylinders are not authorized, except as provided herein.
5. BASIS: This special permit is based on the application of Flexcon Industries dated October 28, 2008 and additional information dated January 22, January 23, and January 26, 2009, submitted in accordance with § 107.105 and the public proceeding thereon.

February 18, 20096. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Air, compressed	2.2	UN1002	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are non-DOT specification fully wrapped fiber reinforced composite gas cylinders with a non-load sharing polypropylene liner, known commercially as pre-pressurized diaphragm expansion tanks. The cylinders are designed in accordance with Section X of the ASME Code but are not Code stamped and are tested in accordance with the FRP-1 standard. The cylinders range in volume from 60 to 450 liters (15 to 120 US gallons) and have diameters from 16 to 24 inches. The cylinders have a maximum service pressure of 125 psig and a design safety factor of 5. The cylinders and fiberboard outer packaging are as shown on the Flexcon Industries drawings on file with the Office of Hazardous Materials Special Permits and Approvals (OHMSPA).

b. TESTING - Each cylinder must be pressurized to the maximum service pressure and leak tested utilizing a helium trace gas detection system prior to shipment

c. OPERATIONAL CONTROLS -

(1) The maximum pressure in each cylinder may not exceed 40 psig during transportation.

(2) Transportation is authorized from Flexcon Industries and Flexcon Industries distributors in truckload or less than truckload quantities with no intermediate stops.

(3) Cylinders transported under this special permit may not be transported more than 5 times.

February 18, 20098. SPECIAL PROVISIONS:

a. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this special permit and the HMR.

b. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

c. The marking requirements of § 172.301(c) are waived.

d. Cylinders authorized under this special permit may be shipped under the conditions specified in § 173.306(g).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, cargo vessel and rail freight.10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo vessel or motor vehicle used to transport packages covered by this special permit.11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

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No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)—"The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Theodore L. Willke
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

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Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: BMoore